



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Inventor: GOBLE, Nigel M. Atty. Ref.: 2558-67

Serial No. 10/656,877 Group: 3739

Filed: September 8, 2003 Examiner: Rosiland Rollins

For: UTERINE MORCELLATOR

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April 17, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

On April 7, 2006, an Office Communication was issued in the above-identified application in which the Examiner stated that the reply filed on January 19, 2006 is not fully responsive to the prior Office Action because Applicant has failed to list all of the claims that read on the elected species.

On April 17, 2006, the undersigned spoke with Examiner Rollins regarding the April 7, 2006 Office Communication. In particular, the undersigned noted that, on page 2 of the "Clarified Response to Election/Restriction Requirement" filed on January 19, 2006, Applicant identified all of the claims which Applicant believes read on the elected species, which are shown in Figs. 21-23 of the

GOBLE, Nigel M.
Serial No.: 10/656,877

application. In particular, on the second page of the Clarified Response, Applicant stated:

Because Applicant believes that all of the independent claims pending in the application read on species of Figs. 21-23, Applicant contends that all of the claims in the application, *i.e.*, claims 1-43, read on such species.

Thus, to clarify, in electing Species XI, *i.e.*, Fig. 23, and Species D in Fig. 21 of the present application, Applicant is contending that all of the claims in the application, *i.e.*, claims 1-43, read on such elected species. As explained to Examiner Rollins during the telephone conference on April 17, 2006, claims 1-43 were specifically drafted in this continuation-in-part application to the species shown in Figs. 21-23 of the application.

While it is believed that no fee is required for the filing of this response, the Commissioner is hereby authorized to charge any deficiency in the fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this Firm) to our Deposit Account No. 14-1140.

The foregoing is submitted as a complete response to the prior Office Action in this application mailed on October 4, 2005 and to the Communication mailed on April 7, 2006. If any issues remain with regard

GOBLE, Nigel M.
Serial No.: 10/656,877

to the election of species and the identification of claims reading on the elected species, the Examiner is urged to call the undersigned at the telephone number listed below.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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